

AO 442 (Rev. 10/03) Warrant for Arrest

UNITED STATES DISTRICT COURT

SOUTHERN

District of

OHIO

U.S. DISTRICT COURT - N.D. OF N.Y.

FILED

AUG 31 2007

AT O'CLOCK

Lawrence K. Baerman, Clerk - Binghamton

UNITED STATES OF AMERICA

WARRANT FOR ARREST

V.

TIMMY M. RIFENBURG
5 Carhart Ave.
Binghamton, NY 13905

Case Number:

2:07-MJ-339

3:07-mj-317 (DEP)

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

TIMMY M. RIFENBURG

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment
 ☐ Information
 ☒ Complaint
 ☐ Order of court
 ☐ Probation Violation Petition
 ☐ Supervised Release Violation Petition
 ☐ Violation Notice

charging him or her with (brief description of offense)

use of the mail or any facility or means of interstate or foreign commerce, to knowingly attempt to persuade, induce, entice or coerce an individual, who had not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, that is rape and/or attempted rape in the third degree, in violation of sections 110 and 130.25 of the New York Penal Law, McKinney's Consolidated Laws of New York Annotated.

in violation of Title 18 United States Code, Section(s) 2422(b)Mark R. Abel

Name of Issuing Officer

Mark R. Abel

Signature of Issuing Officer

U.S. Magistrate Judge

Title of Issuing Officer

Columbus, Ohio August 31, 2007

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named defendant at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

AO91 (Rev. 12/03) Criminal Complaint

UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

OHIO

UNITED STATES OF AMERICA
V.TIMMY M. RIFENBURG
5 Carhart Ave.
Binghamton, New York 13905

CRIMINAL COMPLAINT

Case Number: 2:07-mj-339

(Name and Address of Defendant)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 6/13/07 - 8/31/07 in Franklin County, in the Southern District of Ohio defendant(s) did,

(Track Statutory Language of Offense)

use the mail or any facility or means of interstate or foreign commerce, to knowingly attempt to persuade, induce, entice or coerce an individual, who had not attained the age of 18 years, to engage in any sexual activity for which a person can be charged with a criminal offense, that is rape and/or attempted rape in the third degree, in violation of sections 110 and 130.25 of the New York Penal Law, McKinney's Consolidated Laws of New York Annotated.

in violation of Title 18 United States Code, Section(s) 2422(b)

I further state that I am a(n) Special Agent of the FBI and that this complaint is based on the following facts:

Official Title

See attached affidavit

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

ROBERT E. WHITE II
Printed Name of Complainant

Sworn to before me and signed in my presence,

Date

8/31/2007

at

City

Columbus

State

OHIO

Mark R. Abel, U.S. Magistrate J
Name and Title of Judge

Signature of Judge

Mark R. Abel

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO - EASTERN DIVISION

In the Matter of the Criminal Complaint:)
UNITED STATES OF AMERICA)
V.)
TIMMY M RIFENBURG)
5 CARTHART AVE,)
BINGHAMTON, NEW YORK 13905)

AFFIDAVIT

1. I, Robert E. White II, a Special Agent with the Federal Bureau of Investigation ("FBI"), assigned to the Columbus, Ohio Resident Agency, present the following testament for probable cause of issuance of warrant for the arrest of Timmy M Rifenburg, date of birth July 7, 1976, for a violation of 18 United States Code Section 2422 (b), that is, using the mail or any facility or means of interstate or foreign commerce, to attempt to knowingly persuade, induce, entice, or coerce a person, who has not attained the age of 18 years, to engage in any sexual activity for which any person can be charged with a criminal offense. Specifically, there is probable cause to believe that Timmy M. Rifenburg used the U.S. mail as well as the internet to attempt to persuade, induce and entice a person, he believed to be a 15 year old girl, to travel from Columbus, Ohio to Binghamton, New York to have sexual intercourse with him. Under the laws of the State of New York, a person, 21 years of age or older, is guilty of rape in the third degree if he or she engages and or attempts to engage in sexual intercourse with another person who is under the age of 17. (New York State Penal Code §130.25 and §110)

2. On 6/12/2007, the Westerville Division of Police, in Westerville, Ohio was operating in nonsexual, Ohio-related, Yahoo chat room using a female screen name, referred to in this affidavit as janedoe'. At 2:34 pm, a user with the screen name "timmyrifenburg" initiated a direct chat with janedoe. The first question from the user "timmyrifenburg" was "asl" which is an abbreviation for "age, sex and location." Janedoe replied with "14 f by col" indicated she was 14 year old female near Columbus, Ohio. The user "timmyrifenburg" stated that he was 30 years old and wanted to know if she liked older men. The user "timmyrifenburg" asked for a photo of the girl and was provided with an portrait of a fictitious 14 year old girl. The image had been created by the National Center for Missing and Exploited Children for undercover law enforcement use.

¹ The real screen name has not been included in this affidavit to protect ongoing undercover operations which utilize the same online profile.

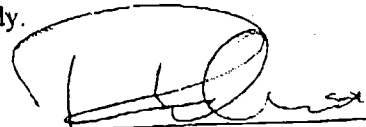
3. The user "timmyrifenburg" stated that he wished janedoe was not 14 years old because he did not want to get in trouble and he described her picture as "very good looking hot and sexy." The user "timmyrifenburg" asked about janedoe's sexual experience and the type of panties she wore. The user "timmyrifenburg" indicated that he liked thongs and g-strings and asked if the girl (janedoe) had a pair. When janedoe indicated that she did have one pair, he asked for a picture of her in them. When janedoe explained that she did not have a camera, the user "timmyrifenburg" agreed to send a web camera to the girl (janedoe). He stated that "we can have --- on cam and u can take lots of sexy pic for me and be my girl friend too".
4. Soon after the conversation about the web camera and the underwear, the user "timmyrifenburg" indicated that he attempted to mail a package containing the items to the PO Box provided by janedoe; however, the box was mistakenly returned to him. Janedoe then provided a new address for "timmyrifenburg" to use. In August, a U.S. mail priority package, postmarked from Binghamton, New York, arrived in Westerville addressed to female screen name used by the undercover operation. The box contained a Philips PC camera with microphone, two items of thong underwear and a handwritten note.
5. On 6/14/2007, the user "timmyrifenburg" first discussed the girl (janedoe) traveling from Ohio to New York to establish a sexual relationship with the user identifying himself as "timmyrifenburg". He had previously confessed that he was married with 3 children, but would consider the girl his second wife.
6. On 6/27/2007, the user "timmyrifenburg" wrote, "tell me so we are cear (sp) and I will know befor u get here ... tell me the things u will try and things u don't..is there any hole u want to try at lest (sp) I's.. so I will try it up ur ass for me..but I will not try it intell u are ok with it and u tell me to..we can just do ur mouth and ur tits and pusy..dam u are getting me hard just think about it..."
7. Over the next two months, the two averaged instant message contact every other day and the content of the messages involved more dialogue of planned sexual activity and making arrangements for the travel to New York.
8. On 8/21/2007, a Greyhound bus ticket was purchased for travel from Binghamton, New York to Columbus, Ohio. The user "timmyrifenburg" caused that ticket to be sent from New York to janedoe in Ohio. The ticket was for travel on 8/28/2007 from Columbus, Ohio to Binghamton, New York. The ticket sent via US Mail and received by the Westerville Police Department. Upon receipt of the bus

ticket, janedoe told "timmyrifenburg" that she had received the ticket and wanted to know what he would be driving to pick her up. The user "timmyrifenburg" stated that he would be in a 1993 red, Ford Mustang. He also mentioned that he had been researching sex positions for her arrival and had a throw blanket and condoms in the car.

9. On 8/29/07, the expected date of the girl's arrival, janedoe sent an offline message to the user "timmyrifenburg" telling him that she could not make the trip because her mother was sick. The user "timmyrifenburg" responded that he had been at the bus stop and didn't see her. He got worried that the might have changed her mind or gotten on the wrong bus. They made arrangements for janedoe to change the date of travel from Ohio to arrive in New York on Friday 8/31/07 at 7:40 am. The user "timmyrifenburg" said he would be there, sitting on the hood of the car he described earlier, and that he would be wearing a black ballcap. He said he would bring condoms and KY lubrication.
10. The user "timmyrifenburg" in his internet conversations with janedoe indicated that he intended for her to hide in his basement until he can arrange a place for her to stay. He indicated he lived in the home with his family so he reminded the girl (janedoe) that she would have to be very quiet.
11. On 8/30/2007, the user "timmyrifenburg" sent another internet message reassuring her that he would be at the bus station waiting for her.
12. The user "timmyrifenburg" provided several pieces of information which corroborated his identity as Timmy M Rifenburg. Initially the user indicated that he was 30 years old and living in New York state.
 - a. the user "timmyrifenburg" was believed to live or work in the Binghamton, NY area as the package containing underwear and web camera was postmarked by the US Mail in Binghamton, NY and the bus ticket provided was for travel from Columbus, Ohio to Binghamton, NY.
 - b. On 6/25/2007 the user indicated his birthday was July 7th. I researched public and law enforcement databases and identified a "Timmy Rifenburg" who resides at 5 Carhart Ave, Binghamton, NY 13905. The New York Deed Transfer records indicated that parcel number 03020000400000060500000000, 5 Carhart Ave, Binghamton, NY 13905 was purchased by Timmy M and Mary T Rifenburg for \$39,000 on 11/13/2001. His date of birth was July 7, 1976 which would have made him 30 years old on the day of his first contact with user "janedoe."

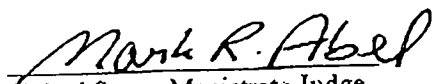
c. "timmyrifenburg" also indicated that he would be driving a red, 2 door, 1993 Ford Mustang when he meets the girl at the Binghamton, NY bus station. I researched the vehicles registered to the same Timmy Rifenburg and found a 1993 Ford Mustang LX Hatchback 2 door, VIN #1FACP41M7PF190751. It is registered to the same address given in paragraph 12b.

13. On 8/31/2007, FBI agents from the Albany Division observed Timmy Rifenburg at the Greyhound Bus Station, Binghamton, New York. He was taken into custody.



Robert E. White II
Special Agent
Federal Bureau of Investigation

Sworn to and subscribed before me this 31st day of August 2007.


United States Magistrate Judge
United States District Court
Southern District of Ohio